

RF 458.1020PAT 1/17/05

- 4 -

Remarks

Reconsideration of the application is respectfully requested. Claims 1-2 were rejected under Section 102(b) as being anticipated by Livingstone. This rejection is respectfully traversed.

In summary, the juggling torch of the present invention is particularly effective because it provides a substantially longer burning time compared to conventional juggling torches. The longer burning time is possible mainly because the torch has an internal fuel container that feeds the wick with fuel via channels, extending through the sidewall, when the torch is juggled. The size of the channels is such that fuel may be urged through the channels by gravitational forces when the juggling torch is rotated. In this way, the effective burning time is much longer compared to conventional juggling torches that are merely soaked with fuel.

Livingstone merely discloses a conventional torch light that is intended to stand upright. A wick member 50 has a cotton wick 60 disposed inside a tubular element 52. The tubular element 52 has a longitudinal slot 54 so that the wick 60 can absorb the fuel 30. A vent tube 66 has a bottom end 70 that extends into the vapor space 34 (col. 3, lines 43-45) to allow a positive air passage between the vapor space 34 and the atmosphere to compensate for expansion and contraction under the heat conditions (col. 3, lines 67-70). The bottom

RP 458.1020PAT 1/17/05

- 5 -

end 70 of the vent tube 66 terminates above the fuel 30 and is not in fuel communication with the fuel 30.

It is submitted that neither Livingstone nor any other cited reference teaches or suggests a torch body that has a channel defined in the sidewall thereof to establish fuel communication between the fuel and the outside wick.

Applicant fails to see why a person of ordinary skill in the art would look to Livingstone to learn about having a channel extending through the sidewall of the torch body when Livingstone expressly teaches away from such modification. For example, in col. 3, lines 8-10, Livingstone explains that the container must be leak-proof and lines 23-24 explains that the collar must form a vapor tight seal. Livingstone also explains in col. 3, lines 71-74 that the tubular support retains the wick in upright position at all times during use.

It is submitted that it would be contrary to the teaching of Livingstone to make a hole in the sidewall of his container since the fuel or vapor would leak out. Additionally, it does not make sense and there is no motivation to make such a hole since the wick is placed inside the container.

In view of the above, the amended claim 1 should be allowable.

Claim 2 is submitted to be allowable because it depends upon the allowable base claim 1 and because the claim

RE 458.1020PAT 1/17/05

- 6 -

includes limitations that are not taught or suggested in the cited references.

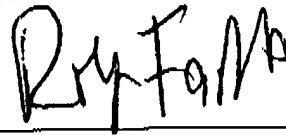
Claims 3-7 were objected to as being dependent upon a rejected base claim. Claim 3 has now been rewritten into independent form and should therefor be allowable.

Claims 4-7 are submitted to be allowable since they depend upon the allowable base claim 3.

The application is now submitted to be in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

FASTH LAW OFFICES



Rolf Fasth

Registration No. 36,999

FASTH LAW OFFICES  
629 E. Boca Raton  
Phoenix, AZ 85022  
Telephone: (602) 993-9099  
Facsimile: (602) 942-8364